

ESTTA Tracking number: **ESTTA568911**Filing date: **11/04/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Granted to Date of previous extension	11/03/2013
Address	7000 Coliseum Way Second Floor Oakland, CA 94621 UNITED STATES

Attorney information	Aryn M. Emert Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES ame@cll.com, jmn@cll.com, trademark@cll.com Phone:212-790-9200
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Applicant Information

Application No	85757169	Publication date	05/07/2013
Opposition Filing Date	11/04/2013	Opposition Period Ends	11/03/2013
Applicant	The Dallas Chapter of Susan G. Komen Breast Cancer Foundation, Inc. 5310 Harvest Hill Road, Suite 120 Dallas, TX 75230 TX		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Public advocacy to promote awareness of education, research, screening and treatment for breast health
Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Charitable fundraising services, namely, raising money for breast cancer research and local community breast health awareness program
Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing information in the field of cancer prevention, screening, diagnosis and treatment

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	Letter to Commissioner - SAVE THE As.pdf(68820 bytes) NOO - SAVE THE AS - 11-4-13.pdf(18854 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Aryn M. Emert/
Name	Aryn M. Emert
Date	11/04/2013



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November 4, 2013

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Athletics Investment Group LLC d/b/a The Oakland Athletics
Baseball Company
Notice of Opposition Against
The Dallas Chapter of Susan G. Komen Breast
Cancer Foundation, Inc.
Application to register SAVE THE As
Ref. No. 21307.034

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/757,169 published in the Official Gazette on May 7, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$900 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Aryn M. Emert/
Aryn M. Emert

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/757,169
Filed: October 18, 2012
For Mark: SAVE THE As
Published in the Official Gazette: May 7, 2013

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ATHLETICS INVESTMENT GROUP LLC D/B/A	:
THE OAKLAND ATHLETICS BASEBALL	:
COMPANY,	:
	:
Opposer,	:
	:
v.	:
	:
THE DALLAS CHAPTER OF SUSAN G. KOMEN	:
BREAST CANCER FOUNDATION, INC.,	:
Applicant.	:
	:
-----X	

Opposition No.

NOTICE OF OPPOSITION

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company (“Opposer”), a California limited liability company, with offices at 7000 Coliseum Way, Second Floor, Oakland, CA 94621, believes that it will be damaged by registration of the standard character word mark SAVE THE As (“Applicant’s Mark”) in International Class 35 for “Public advocacy to promote awareness of education, research, screening and treatment for breast health,” in International Class 36 for “Charitable fundraising services, namely, raising money for breast cancer research and local community breast health awareness program,” and in International Class 44 for “Providing information in the field of cancer prevention, screening, diagnosis and treatment,” as shown in Application Serial No. 85/757,169 (the “Application”),

and having been granted extensions of time to oppose up to and including November 3, 2013, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club.

2. Since long prior to October 18, 2012, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the terms "A'S" or "A," alone or with other word, letter and/or design elements ("Opposer's A'S Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, promoting awareness of education and research for breast health; charitable fundraising services, including, without limitation, in connection with breast cancer research and awareness; apparel; jewelry; paper products and printed matter; toys and sporting goods; and novelty items.

3. Opposer owns United States federal registrations for Opposer's A'S Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 28 and 41; namely, Registration Nos. 1,234,697; 1,257,146; 1,263,825; 1,267,687; 1,267,861; 1,523,854; 1,530,675; 1,560,962; 1,570,831; 2,573,396; 2,630,348; 2,759,932; 3,349,787 and 3,349,788. Registration Nos. 1,234,697; 1,257,146; 1,263,825; 1,267,687; 1,267,861; 1,523,854; 1,530,675; 1,560,962; 1,570,831; 2,573,396 and 2,630,348 are incontestable.

4. Since long prior to October 18, 2012, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's A'S Marks, including, but not limited to, baseball games and

exhibition services and a wide variety of goods and services, including, but not limited to, promoting awareness of education and research for breast health; charitable fundraising services, including, without limitation, in connection with breast cancer research and awareness; apparel; jewelry; paper products and printed matter; toys and sporting goods; and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's A'S Marks, Opposer has built up highly valuable goodwill in Opposer's A'S Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On October 18, 2012, Applicant filed the Application for Applicant's Mark for "Public advocacy to promote awareness of education, research, screening and treatment for breast health" in International Class 35, for "Charitable fundraising services, namely, raising money for breast cancer research and local community breast health awareness program" in International Class 36, and for "Providing information in the field of cancer prevention, screening, diagnosis and treatment" in International Class 44, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the services covered in the Application in United States commerce prior to its constructive first use date of October 18, 2012.

8. The services covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's A'S Marks.

9. Applicant's Mark so resembles Opposer's A'S Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the

trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Aryn M. Emert (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
November 4, 2013

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Aryn M. Emert/

Mary L. Kevlin
Richard S. Mandel
Aryn M. Emert
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 4, 2013, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, Shannon Zmud Teicher, Jackson Walker L.L.P., 901 Main St., Ste. 6000, Dallas, Texas 75202-3797.

/Aryn M. Emert/
Aryn M. Emert